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AGAINST A DISPENSARY

(Continued from Page 1.)

ber of the electors are opposed to this law, we deem it expedient that opportunity be afforded for full and free discussion and to gauge public opinion thereon, more particularly by reason of the fact that at the time of the last Territorial election, the liquor question was not mooted in any party platform.

Fifth—To enact under these circumstances a law so radical and far reaching in its effects without first giving the electors an opportunity to express themselves thereon would be unduly arbitrary.

Sixth—The Supreme Court of the State of South Carolina has rendered a majority decision that the Dispensary law, as existing in that State, is unconstitutional. This was afterwards reversed by a change in the personnel of the bench. The United States Supreme Court has declared that those provisions of the South Carolina Dispensary law which forbid citizens of the State to import liquors for their own use are in contravention of the Interstate Commerce clause of the United States Constitution, and therefore invalid. But the question as a whole has yet to be passed upon by that last named tribunal. Therefore, while the matter is sub-judice, we think it inadvisable to add a similar law to the statutes of this Territory.

Seventh—The unrestricted manufacture of wine and beer would, it is thought, be liable to abuse, as it would be impracticable to watch the disposal of the entire product, which would emanate from no definite source. The limiting of the percentage of profit would reduce prices below their present standard, and might therefore be expected to increase the consumption. This view is confirmed by the experience of South Carolina, where statistics show an enormous increase in the consumption under the Dispensary law, the sales having increased from about \$50,000 in 1894 to \$2,421,840 last year. The condemnation of liquor by the Board of Health would preclude its purchase by the Government, and would have the effect of throwing it upon the hands of the producer, whose only legal alternative would be the export of it. Finding no remunerative foreign market available, which we think probable, a premium would thereby be offered to illicit selling. While the maintenance of any club house or like place for the distribution of intoxicants for profit is expressly prohibited, we believe it would be found impossible in many cases to detect this offense, which might be expected to be largely carried on in private dwellings.

Eighth—The tourist traffic in these Islands is an increasingly prominent feature of local commerce, and the effect of a Dispensary system such as that proposed must not be lost sight of. We are convinced that this traffic would be seriously hampered thereby, as the typical tourist out for pleasure and recreation will not submit to be deprived of his customary stimulant served in the way he has been familiar with; and the result will be that a very large proportion of the tourist travel will be diverted into other channels. In this way trade conditions so largely dependent thereon will be disturbed, involving financial restrictions.

Ninth—It is our opinion that the sum of \$200,000 which it is proposed to appropriate in order to give effect to the provisions of this law, would not be adequate for that purpose, or even nearly so. It might possibly be sufficient to cover the purchase of stock, the employment of officials and incidental expenses, but it would not defray the expenses of additions to the police force if these were found necessary upon anything approaching the scale that they have been in South Carolina. But above all, when counting the cost, the question of compensation must not be lost sight of. Such eminent jurists as Bradley, Field, Cooley, Brewer and other Judges of the United States Supreme Court, have declared in language the meaning of which cannot be mistaken that vested interest cannot be ignored, that the vested right of property cannot be interfered with unless compensation be given, and that when such rights stand in the way of the public good they can only be removed by awarding compensation to the owner.

We recommend, therefore, that the bill be postponed pending the collation of exact statistical information of experience elsewhere, and to enable the electors to give an expression of opinion on so important a question.

S. E. KAHUE,

Chairman.

CLARENCE L. CRABBE,

WM. WHITE,

Honolulu, T. H., April 1, 1901.

After the reading of the minutes the Senators were cool for a long while and then petitions and resolutions came along. First came a petition by Mr. Kanuha, praying for the passage of the Dispensary bill. There were 372 signatures. The petition was referred to the committee on intoxicants.

Under suspension of rules, Mr. Carter presented the following resolution: Whereas, All the probate proceedings and records from the year 1850, involving title to a very large amount of property, are now kept in an open room in light wooden cupboards, subject among other things to that of fire; now, therefore, be it

Resolved, That the committee on public expenditures be instructed to investigate and report an estimate of the cost of a proper fire proof vault with burglar proof apartment sufficient for use of the Judiciary Department.

Referred to the committee on public expenditures with the special order that the Superintendent of Public Works be asked his reason for not having the work done before.

Then Senator Carter upheld the dignity of the Senate and introduced the following resolution, which shows that the Senate is not above dealing with small matters. The resolution reads:

Whereas, The lavatories used by the occupants of the Judiciary building, situated between said building and the stables, are in a foul and insanitary condition and have been in such condition for a long period of time; and

Whereas, It is the duty of the officers of the Territory to set good and proper example to the citizens of this Territory; and

Whereas, It is a well known fact that the health authorities have condemned

lavatories own by individuals which were not in so bad a condition as these under the control of the Government; now, therefore, be it

Resolved, That the Senate committee on public health be and is hereby instructed to inquire why the Board of Health has not condemned the above-mentioned lavatories and why the Superintendent of Public Works has not long ago put these lavatories in proper sanitary condition.

Senator White didn't think the "august body" should go into questions of latrines. Senator Carter said the matter was no joke and took exceptions to the Senator from Lahaina treating the matter in the manner he did.

Communications in regard to the Dispensary bill were read by Senators Kahue and White and referred to the "intoxicated" committee, of which Senator White is now the chairman and Dr. Russell only a spectator. Then the committee on public lands reported as follows on resolutions 17 and 20, estimates for roads, bridges, streets and road damages in South Hilo:

Although some of the amounts asked for seem large, we feel that Hilo is a growing town and needs many improvements. It possesses a large back country which needs roads to develop it, and open it up for settlement and it will be but a few years until the cost will be returned by increased values in taxes.

That many of the streets need extending and widening. This should be done now, as land values are increasing, and before brick and stone buildings are erected.

Your committee find a large portion of these amounts are included in the estimates of the Superintendent of Public Works. We therefore recommend that the items asked for be granted, if there are sufficient funds available without depriving other districts of their just portion of necessary improvements.

J. T. BROWN,

J. D. PARIS,

L. NAKAPAAHU.

This report and the following of the Public Works Committee on Resolution 18, asking certain amounts for roads in North and South Kohala were laid on the table to be considered with the appropriation bill:

Your committee have considered the same and would recommend as follows: That \$8,000 instead of \$10,000 be granted for the road from Huehue, North Kona, to Keahualono, South Kohala. The other amounts we would recommend be inserted in the appropriation bill as in the resolution.

J. T. BROWN,

J. D. PARIS,

L. NAKAPAAHU.

At this moment trouble was brewing. Senator Crabbe took exception to a remark from Senator Carter and glared fiercely at the athletic financier, who apologized.

Senator Kanuha told Senator White that the great legislator from Maui was not adding strength to his party, and White called Kanuha a conceited fool and offered to punch his nose. The pleasantries were, of course, not observed or noticed by the President who was half asleep, and a recess was taken.

In the afternoon session the "Home Unruly" were good and a number of bills were disposed of, that means sent to the Printing Committee. Dr. Russell, under suspension of the rules, announced two important bills, one connected with birds' nests and eggs and the other with the reorganization of the Judiciary Department. The bills will be laid out at another time. The titles of the bills are:

1. An Act for the Protection of Birds,

Their Nests and Eggs.

2. An Act to Amend Sections 31 and 32

of an Act Entitled "An Act to Reorganize

the Judiciary Department."

A big row occurred when the bill relating to physicians came up, and Kanuha and the "Home Unruly" stood together. Bill 29, relating to the licensing of physicians, led to a long discussion and there will be a circus on the subject on Friday next.

House bill No. 13, relating to taxes on lady dogs dogs, passed, and House bill 40, relating to minors, was sent to the Committee on Intoxicants. Senators C. E. Brown and White opposing the measure in its present form.

Bill 52, relating to employment of Asiatics on Government work, passed by a vote of the whole Senate against Paris, Carter and Crabbe. House bill No. 9, relating to the abolition of obnoxious vaccination, was passed after a long discussion, during which the Senators went over the same ground as on the second reading of the bill.

Bill 22, relating to the Territorial seal, passed second reading and will be read the third time on Friday and House bill No. 2, relating to a special appropriation to cover damages done during the recent storm, was passed.

The Senate adjourned and all were happy.

TRAMWAY GHOST STALKS AGAIN

The resurrectionists were on hand first thing in the morning with an attempt to revive the Pain franchise bill. A discussion was held over the minutes, and the eyes and noses were finally counted. Speaker Akina threw the deciding ballot, the minutes were adopted, and the bill once more consigned to oblivion.

Peace had little to do with yesterday's proceedings. There was a wordy wrangle as to what was the actual business before the House, and this ran on for a long time before the decision to go on with the regular routine was reached.

A message was received from the Executive in reply to Emmelhuth's resolution asking for an executive paper from the time of annexation. The Governor in his reply stated that he was at all times glad to furnish any information, but required specific requests for the data needed, and added "that the House did not appear to have under consideration any specific matter referring to the records mentioned. Signed, very respectfully, Sanford B. Dole."

Representative Beckley concluded that the House had not been used with the proper consideration, owing to the absence of the signature of title. "A resolution we sent the Governor was objected to by not being certified to by the House secretary, and we should see that this communication is rightly signed."

The motion to spread the letter upon the journal of the House before returning was carried. Speaker Akina asked that no bad feeling be shown by the members.

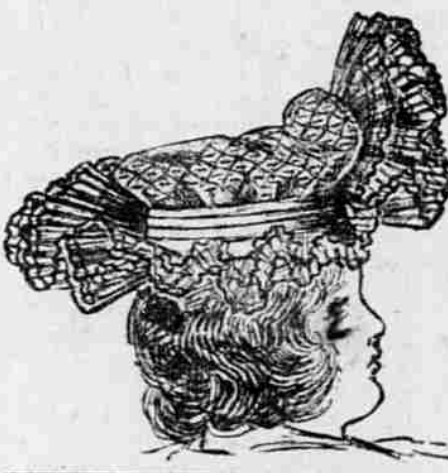
Emmeluth in supporting the motion to

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We have placed on sale one case 50 pieces Lawns, elegant patterns, at 6 1/4c yd.

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